



Rep. Kevin Joyce

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09300HB4895ham002

LRB093 19027 LCB 49533 a

1 AMENDMENT TO HOUSE BILL 4895

2 AMENDMENT NO. _____. Amend House Bill 4895, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Illinois Marriage and Dissolution of
6 Marriage Act is amended by changing Section 602 as follows:

7 (750 ILCS 5/602) (from Ch. 40, par. 602)

8 Sec. 602. Best Interest of Child.

9 (a) The court shall determine custody in accordance with
10 the best interest of the child. The court shall consider all
11 relevant factors including:

12 (1) the wishes of the child's parent or parents as to
13 his custody;

14 (2) the wishes of the child as to his custodian;

15 (3) the interaction and interrelationship of the child
16 with his parent or parents, his siblings and any other
17 person who may significantly affect the child's best
18 interest;

19 (4) the child's adjustment to his home, school and
20 community;

21 (5) the mental and physical health of all individuals
22 involved;

23 (6) the physical violence or threat of physical
24 violence by the child's potential custodian, whether

1 directed against the child or directed against another
2 person;

3 (7) the occurrence of ongoing abuse as defined in
4 Section 103 of the Illinois Domestic Violence Act of 1986,
5 whether directed against the child or directed against
6 another person; ~~and~~

7 (8) the willingness and ability of each parent to
8 facilitate and encourage a close and continuing
9 relationship between the other parent and the child; ~~and-~~

10 (9) any pending criminal charge against any party to
11 the proceeding.

12 With regards to the factor set forth in item (9) of
13 this subsection (a), the court in its discretion may
14 continue or postpone a custody award until the criminal
15 charge has been adjudicated.

16 In the case of a custody proceeding in which a stepparent
17 has standing under Section 601, it is presumed to be in the
18 best interest of the minor child that the natural parent have
19 the custody of the minor child unless the presumption is
20 rebutted by the stepparent.

21 (b) The court shall not consider conduct of a present or
22 proposed custodian that does not affect his relationship to the
23 child.

24 (c) Unless the court finds the occurrence of ongoing abuse
25 as defined in Section 103 of the Illinois Domestic Violence Act
26 of 1986, the court shall presume that the maximum involvement
27 and cooperation of both parents regarding the physical, mental,
28 moral, and emotional well-being of their child is in the best
29 interest of the child. There shall be no presumption in favor
30 of or against joint custody.

31 (Source: P.A. 90-782, eff. 8-14-98.)".